REMARKS

Claim Rejections

Claims 1-2, 5-8, 11-13, and 15-16 rejected under 35 U.S.C. 102(b) as being anticipated by Fiete et al. (588112, referred to as "Fiete" herein). Claims 3-4, 9-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiete in view of Bolin et al. (5751844, referred to as "Bolin" herein).

Arguments

Applicant respectfully submits that the pending claims are patentable over the cited art based on the arguments which follow.

35 USC § 102(b)

Claim 1:

On p. 2 of the outstanding Final Office Action, the Examiner has stated that "claim 1 merely recites establishing an interference model according to the difference...[t]he term is broad...." However, the term set forth in claim 1 is not broad, but rather is specifically limited in line 5 of claim 1 as "measuring a plurality of ***difference according to the output signals and a plurality of estimated signals corresponding to the brightness***." *See*, line 5 of claim 1. Furthermore, it is important to note that, although both Fiete and the present invention teach the term "differences," in Fiete, the term refers to the "***difference between adjacent pixels***," (see col. 3, line 65 to col. 4, line 9) (*Emphasis added)*. However, the term set forth in claim 1 refers to the "measuring a plurality of ***differences according to the output signals and a plurality of estimated signals corresponding to the brightness***." Hence, the Examiner has not provided a teaching from the reference which teaches Applicant's recited feature of "establishing an interference model," which is restricted to be in accordance with these "differences" as defined in claim 1 as being measured "according to the output signals and a plurality of estimated signals corresponding to the brightness." On p. 2 of the outstanding Final Office Action, the Examiner has also stated that "finding the errors reads on establishing an interference model." Applicant disagrees with this assumption. Specifically, in

Fiete, the term "error" in "finding the errors" means the difference between ***a pixel and the adjacent pixel of said pixel***. In comparison, to the skilled artisan, establishing an interference model is to establish a model with ***respect to the same pixels***. Therefore, it is clear that Fiete does not teach or suggest Applicant's recited invention.

In addition, Fiete also fails to disclose the step of "producing the recovery model according to the interference model" as recited in claim 1. In Figs. 4A/B of Fiete, the figures show two adjacent columns of image data (30) needed to be selected and then local means (34), and local difference (36) which need to be created or calculated. However, these procedures are saved in Fig. 7A in the present invention.

Claims 5 and 7:

The arguments applied above with respect to claim 1 are likewise applicable to claims 5 and 7. Specifically, Fiete fails to teach claim 5's limitation of "calculating the pixel data by the recovery model according to a difference of the pixel data and at least one adjacent pixel data." In addition, Fiete fails to teach: measuring a plurality of differences according to the outputted signals and a plurality of estimated signals corresponding to the brightness; establishing an interference model according to the differences, as recited in claim 7.

Claims 11 and 12:

The arguments applied above with respect to claims 1, 5, and 7 are likewise applicable to claims 11 and 12. As recited in claim 11, the limitation of "the recovery parameters are corresponding to the zipper" is not taught in Fiete. In Figs. 10A/B of the present invention, the recovered model 66 and distorted signal 61 are independent signals to CPU 67 and said CPU 67 outputs recovered signal 62. In Fig. 3 of Fiete, however, a unilateral input/output is taught without mentioning parameters corresponding to the zippers. In addition, as discussed in greater detail with regard to claim 1, Fiete fails to teach: measuring a plurality of differences according to the outputted signals and a plurality of estimated signals corresponding

to the brightness; establishing an interference model according to the differences, as recited in claim 12.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Fiete do not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Fiete cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

35 U.S.C. §103(a)

Bolin teaches a neural network. Applicant does not necessarily acquiesce to this characterization and notes that, in any event, the reference fails to provide the above-noted deficiencies of the primary reference.

It follows that even if the teachings of Fiete and Bolin were combined, as suggested by the Examiner, the resultant combination does not suggest the recited method of claim 1 and 5 or the recited apparatus of claim 11.

> In considering the above, the Examiner is respectfully reminded that, it is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious. Instead, the Supreme Court, in *KSR International Co. v. Teleflex*, 550 U.S. at ___, 82 USPQ2d at 1396, stated that:
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> Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See In re Kahn, 441 F. 3d 977, 988 (CA Fed. 2006)

("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness").

Appellant submits that the above-presented arguments clearly indicate that the Examiner has failed to provide an "articulated reasoning with some rational underpinning to support the legal conclusion of obviousness" for combining selected elements of Fiete with selected elements of Bolin. *KSR* at 1396 (citing *In re Kahn* at 988). Clearly, such a combination is not an acceptable combination under 35 U.S.C. §103. The rejections of Appellant's claims as being rendered by the aforementioned combinations of references under 35 U.S.C. §103 are respectfully traversed.

Applicant also submits that there is not the slightest suggestion in either Fiete or Bolin that their respective teachings may be combined as suggested by the Examiner.

Neither Fiete nor Bolin discloses, suggests or teaches a modification of their disclosures that would lead one skilled in the art to come out Applicant's claims. Therefore, the claims 2-4, 6-10, and 12-16, by virtue of depending on claims 1, 5, and 11 should be deemed allowable if claims 1, 5, and 11 are allowable.

Summary

In view of the foregoing remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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